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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,447	12/17/2001	Jussi Kuisma	836-010675-US(PAR)	5685

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EXAMINER

MEUCCI, MICHAEL D

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,447	Applicant(s) KUISMA ET AL.	
	Examiner Michael D. Meucci	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the request for reconsideration filed 09 August 2005.
2. The examiner acknowledges amendments made to claims 1-3 and 5-10 and the addition of new claims 11-17.

Claim Objections

3. Claim 9 objected to because of the following informalities: It appears that the applicant has removed the parenthesized text to clarify the claims as required in the previous office action, however, "(MMSC)" on line 3 of claim 9 remains. It is believed by the examiner that the applicant did not remove this text by mistake. Correction is required. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 15-17 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The "computer program product" in these claims is executable in a multimedia messaging center and in a terminal, but is not explicitly embodied in a statutory manner. For the purpose of applying art, these claims have been treated as claiming statutory manner. Correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-5, 7-10, 12, and 14-15 rejected under 35 U.S.C. 102(a) as being anticipated by "3rd Generation Partnership Project; Technical Specification Group Terminals; Multimedia Messaging Service (MMS); Functional Description; Stage 2, (3G TS 123.140 version 1.0.0)" hereinafter referred to as 3GPP in view of Zahariev (U.S. 6,035,104).

a. As per claims 1, 9, 10, 12, and 14-15, 3GPP teaches: transmitting a first message wirelessly from the terminal to the multimedia messaging centre, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal on multimedia messages addressed to the terminal which have arrived at the multimedia messaging centre and on which the terminal has not received a notification message yet (section 8.3.3 on page 17, Figure 11 on page 19, and paragraphs 1-2 on page 20 under Annex A).

3GPP does not explicitly teach: wherein said first message comprises an option to define a selection criterion so as to limit information to be sent in response to said first message. However, Zahariev discloses: "The here-presented system provides an ability to selectively filter information based on e-mail, and to notify a subscriber of availability of such selected information, giving the subscriber an option to have the

message forwarded either by e-mail or fax to a specific location,” (line 64 of column3 through line 1 of column 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have the first message comprise an option to define a selection criterion so as to limit information to be sent in response to said first message. “Once a message is received that matches the criteria, the subscriber will receive a page that could look like:MsgID=1234, Filter1. The subscriber then can call the Auto Attendant and identify himself with Customer ID and password, upon which he will be prompted to enter the message ID. Next he can select means of delivery, like e-mail or fax, and then enter numbers or addresses, or select one of a limited set of preprogrammed numbers or addresses,” (lines 8-14 of column 4 in Zahariev). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to have the first message comprise an option to define a selection criterion so as to limit information to be sent in response to said first message in the system as taught by 3GPP.

b. As per claim 3, 3GPP teaches: receiving the first message transmitted by the terminal at the multimedia messaging centre; determining at the multimedia messaging centre whether there are multimedia messages addressed to the terminal at the multimedia messaging centre on which the terminal has not received a notification message yet; transmitting a second message from the multimedia messaging centre to the terminal in response to the first message, the second message containing the notification messages on said multimedia messages on which the terminal has not

received a notification message yet (section 8.3.3 on page 17, Figure 11 on page 19, and paragraphs 1-2 on page 20 under Annex A).

c. As per claim 4, 3GPP teaches: receiving the second message at the terminal, which has been transmitted by the multimedia messaging service and contains said notification messages (Figure 11 on page 19 and paragraph 2 on page 20 under Annex A); transmitting a third message from the terminal to the multimedia messaging centre in response to said second message, the third message indicating to the multimedia messaging centre the terminal's desire to fetch the multimedia message on which a notification message was transmitted to the terminal in said second message (Figure 12 on page 20 and paragraph 3 on page 20 under Annex A).

d. As per claim 5, 3GPP teaches: receiving the third message transmitted by the terminal at the multimedia messaging centre; transmitting a fourth message from the multimedia messaging centre to the terminal in response to said third message, the fourth message containing the multimedia message which the terminal desires to fetch as indicated in said third message (Figure 12 on page 20 and paragraph 3 on page 20).

e. As per claim 7, 3GPP teaches: it is determined at the multimedia messaging centre whether the multimedia messaging centre has multimedia messages addressed to the terminal for which the terminal has not received a notification message by investigating whether the multimedia messaging centre has received an acknowledgement to the notification message from the terminal (Figure 12 on page 20 and paragraph 3 on page 20 under Annex A).

f. As per claim 8, 3GPP teaches: means for receiving a first message transmitted by the terminal, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal for multimedia messages addressed to the terminal that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet (section 8.3.3 on page 17, Figure 11 on page 19, and paragraphs 1-2 on page 20 under Annex A); and means for determining whether there are multimedia messages addressed to the terminal at the multimedia messaging centre for which the terminal has not received a notification message yet (paragraphs 1-2 on page 23 and Figure 17 on page 23).

8. Claims 2, 11, 13, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP and Zahariev as applied to claims 1 and 8 above, in view of Skladman et al. (U.S. 6,400,810 B1) hereinafter referred to as Skladman.

a. As per claims 2, 13, and 16, 3GPP does not explicitly teach: the first message requests the multimedia messaging center to transmit a notification message to the terminal for multimedia messages, addressed to the terminal, that have arrived at the multimedia messaging center and for which the terminal has not received a notification message transmitted from the multimedia messaging center. However, Skladman discloses: "When used in conjunction with an e-mail service, a notification service provides a messaging system that quickly and conveniently notifies subscribers of received e-mail messages without requiring the subscribers to remain at their computers. Upon receiving notification, subscribers can access the e-mail system at

their discretion to review any new e-mail messages,” (lines 42-48 of column 1). It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have the first message request the multimedia messaging center to transmit a notification message to the terminal for multimedia messages, addressed to the terminal, that have arrived at the multimedia messaging center and for which the terminal has not received a notification message transmitted from the multimedia messaging center. “To facilitate timely and convenient notification of incoming e-mail messages, an e-mail system can operate in conjunction with a notification system. A notification system is a computer-based communication system that can transfer messages to a subscriber, notifying him/her of particular events, such as the receipt of new e-mail messages,” (lines 27-32 of column 1 in Skladman). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to have the first message request the multimedia messaging center to transmit a notification message to the terminal for multimedia messages, addressed to the terminal, that have arrived at the multimedia messaging center and for which the terminal has not received a notification message transmitted from the multimedia messaging center in the system as taught by 3GPP and Zahariev.

b. As per claim 11, 3GPP does not explicitly teach: wherein the selection criterion defines that notification messages for only those multimedia messages for which a notification message has not been successfully transmitted are requested.

However, Skladman discloses: “When used in conjunction with an e-mail service, a notification service provides a messaging system that quickly and conveniently

notifies subscribers of received e-mail messages without requiring the subscribers to remain at their computers. Upon receiving notification, subscribers can access the e-mail system at their discretion to review any new e-mail messages," (lines 42-48 of column 1). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the selection criterion define notification messages for only those multimedia messages for which a notification message has not been successfully transmitted are requested. "To facilitate timely and convenient notification of incoming e-mail messages, an e-mail system can operate in conjunction with a notification system. A notification system is a computer-based communication system that can transfer messages to a subscriber, notifying him/her of particular events, such as the receipt of new e-mail messages," (lines 27-32 of column 1 in Skladman). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the selection criterion define notification messages for only those multimedia messages for which a notification message has not been successfully transmitted are requested in the system as taught by 3GPP and Zahariev.

9. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP and Zahariev.

Claim 17 contains similar limitations as those in claims 1 and 2 and is rejected under the same rationale.

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10. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP and Zahariev as applied to claim 5 above, in view of Short et al. (U.S. 6,130,892) hereinafter referred to as Short.

As per claim 6, 3GPP fails to teach: the terminal and the multimedia messaging centre comprise a protocol stack and a multimedia application on top of it, and said first, second, third and fourth messages are transmitted at the level of the multimedia application, the messages then being independent of the implementation of the protocol stack below the multimedia application. However, Short discloses: "The translation of the packets is done not just at the physical, link, or network layer of the protocol stack but at the transport and application layers as well. This allows the network card, protocol stack, and application running on the host computer to be independent of the network environment and configuration," (line 64 of column 3 through line 2 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the terminal and the multimedia messaging centre comprise a protocol stack and a multimedia application on top of it, and said first, second, third and fourth message are transmitted at the level of the multimedia application, the messages then being independent of the implementation of the protocol stack below the multimedia application. "As an example of the communication device independence, the translation allows soft handoff, increased throughput, and fault tolerance by supporting multiple communication substrates. In addition, the nomadic router translation ability provides a flexible process for deploying enhanced nomadic and mobile computing software and services such as filtering of packets and

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determining which packets should be allowed to be transmitted between the mobile computer and the nomadic router or local area network (Internal Firewall),” (lines 3-12 in column 4 of Short). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to have the terminal and the multimedia messaging centre comprise a protocol stack and a multimedia application on top of it, and said first, second, third and fourth message are transmitted at the level of the multimedia application, the messages then being independent of the implementation of the protocol stack below the multimedia application in the system as taught by 3GPP.

Response to Arguments

11. Applicant's arguments filed 09 August 2005 have been fully considered but they are not persuasive.

All of applicant's arguments are directed towards newly claimed subject matter. See rejections above.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Henderson et al. (U.S. 6,185,603 B1) discloses delivery of email and alerting messages.

Parsons et al. (U.S. 6,310,889 B1) discloses email notifications.

Dong et al. (U.S. 6,571,275 B1) discloses email filtering.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beatriz Prieto
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PRIMARY EXAMINER